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actively engaged in the work of government in this country. It is not likely to be replaced for many years.

JOHN A. FAIRLIE.

The Natural History of the State: An Introduction to Political Science.

By HENRY JONES FORD. (Princeton University Press, 1915. Pp. i-viii, 1-188).

This work by Professor Ford is an elaboration of the point of view presented in his paper read in 1905 before the Baltimore meeting of the American Political Science Association. This same point of view, coupled with an attack on "The Pretensions of Sociology," later brought about a lively controversy between him and three prominent sociologists.¹

The main thought of this little volume is simple enough, since it argues that the "State in its primordial form" existed as an "undivided [undifferentiated] commune," which "antedates the differentiation of Man from the antecedent animal stock." By stressing such pre-human and the later primitive human groupings, Professor Ford argues for a *social* as against an *individual* evolution, so that "the Individual is not an original but is a derivative." "Man did not make the State; the State made Man. Man is born a political being. His nature was formed by government, requires government and seeks government." From this standpoint Professor Ford thinks that there is need of a reinterpretation of political theories in respect to the state, government, and private rights.

Obviously the oddity of the argument consists in calling the pre-human "undivided commune" a form of the state. It is questionable whether other political scientists would endorse that point of view, though most would agree that the historical beginnings of the state may be traced in the rude institutions of such groups discussed, as, for example, those of the Australian blacks—presumably a comparatively modern development by contrast with a pre-human commune of the Tertiary period. According to the author's viewpoint the state came first and is all-inclusive, so that society is merely "the State viewed in its distributive aspect." The usual view, of course, is that certain aspects of social life have become differentiated or specialized into the political institution known as the state. If the author's argument is

¹ See *American Journal of Sociology*, Vol. xv, 1909-1910, pp. 1-15, 96-110, 241-259, 672-680.

correctly understood, the presence of any sort of governmental organization and authority implies the existence of a state. In other words, all forms of social control are governmental, and under the "genus" state should presumably be classed such species as a family, a church, a university, or a trade union, judging from the definition of state given on page 174.

As a whole, the book may be said to be an excellent summary of the argument for a social origin of society, as against the obsolete individualism of the social contract theory, but it fails to prove that the *state* had a pre-human origin or to give a satisfactory notion of what the author means by state, government, and sovereignty.

J. Q. DEALEY.

The Formal Bases of Law. By GIORGIO DEL VECCHIO. Translated by John Lisle. Modern Legal Philosophy Series, Vol X. (Boston: The Boston Book Co., 1914. Pp. lvii, 418.)

This volume consists of translations of three distinct books by Professor del Vecchio which, however, form a fairly coherent unity.

The first of these books, *Philosophical Presuppositions of the Idea of Law*, is really an essay in epistemology in which the Kantian analysis of knowledge is applied to the idea of law. Though hostile to dogmatic or Hegelian idealism, it is mainly devoted to an attack on historicism or empiricism as a philosophy of law. The question, what is law, cannot be answered by history because history shows us only the changing content. The enduring form or essence can be grasped only a priori by pure reason. What precisely this form or essence of law is, is not clearly indicated in this book, but a sharp distinction is drawn between the form or concept and the ideal of the law. The latter deals with what the law ought to be, and is the essence of the old natural law theories, but not of a definition of what the law is.

The detailed development of the concept of law is attempted in the second book. (1) The object of law is human action, not merely as external muscular motions but as the expressions of human will. Even when not externally expressed, human action or volition is the subject of rights, e.g., the right to freedom of conscience, etc. (2) The principle of law is not force, economic or other utility, but ethical, so that there can be no real conflict between law and morality. (3) All law is imperative, (4) regulates rights, i.e., duties and claims, and (5) is necessarily coercive. Though the general principle, that law must be de-